

Message Text

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ACTION SCSE-00

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P R 120015Z APR 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 7190

INFO AMCONSUL CIUDAD JUAREZ

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MATAMOROS

AMCONSUL MAZATLAN

AMCONSUL MERIDA

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

UNCLAS MEXICO 3181

E.O. 11652: N/A

TAGS: CASC

SUBJ: OFFICIAL REPRESENTATIONS TO MEXICAN AUTHORITIES IN CASES
OF MALTREATMENT OF AMERICAN PRISONERS

REF: STATE 80101

1. EXCEPT AS INDICATED IN FOLLOWING PARAGRAPH, EMBASSY
CONFIRMS THAT PROTECTION PROCEDURES OUTLINED IN REFTTEL
ARE NOW GENERALLY BEING FOLLOWED.

2. NEITHER CONSULAR CONVENTION OF 1943 NOR VIENNA CON-
VENTION ON CONSULAR RELATIONS OF 1963 REQUIRES MEXICAN
AUTHORITIES TO NOTIFY CONSULAR OFFICER OF ANY ARREST
WITHIN THREE DAYS OF DETENTION. BILATERAL CONVENTION
IMPOSES NO REPEAT NO OBLIGATION ON AUTHORITIES TO NOTIFY.
VIENNA CONVENTION REQUIRES AUTHORITIES, IF ARRESTED CITI-
ZEN SO REQUESTS, TO NOTIFY CONSULAR OFFICER "WITHOUT
DELAY."

3. AS DEPARTMENT KNOWS, FOREIGN OFFICE, FOLLOWING EMBASSY
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REPRESENTATIONS (NOTE 1036, JULY 16, 1974) IN ITS NOTE

217442 OF JULY 26, 1974, STATED IT HAD DIRECTED COMPETENT MEXICAN AUTHORITIES TO NOTIFY CONSULAR OFFICERS IMMEDIATELY WHEN THE DETENTION, ARREST OR IMPRISONMENT OF AN AMERICAN CITIZEN OCCURRED. IN ACTUAL PRACTICE, EMBASSY EXPERIENCE IS THAT AUTHORITIES WILL NOT REPEAT NOT NOTIFY CONSULAR OFFICER OF AMCIT ARREST UNTIL ATTORNEY GENERAL'S INVESTIGATION IS COMPLETED. THIS MAY TAKE, ORDINARILY, UP TO THREE DAYS OR MORE AFTER INITIAL DETENTION. EMBASSY DOES MAKE REPRESENTATIONS CONCERNING ANY FAILURE OF AUTHORITIES TO NOTIFY AFTER ATTORNEY GENERAL COMPLETES INVESTIGATION IN MEXICO CITY, OR ELSEWHERE IN OUR DISTRICT. WHEN INFORMED BY CONSTITUENT POSTS, EMBASSY ALSO MAKES REPRESENTATIONS CONCERNING INCIDENTS OCCURRING IN THEIR CONSULAR DISTRICTS.

4. WE WILL CONTINUE EFFORTS TO GET MEXICAN AUTHORITIES TO GIVE "IMMEDIATE" NOTIFICATION. OFFICE OF ATTORNEY GENERAL, HOWEVER, CONTINUING TO RESIST, MAINTAINING RIGHT TO HOLD DETAINEE "INCOMUNICADO" UNTIL INVESTIGATION COMPLETED. JOVA

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